

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

**DANIEL TUCHMANN
ANGELA M THOMAS**

**Case No: 3:14-bk-03761-PMG
Chapter 7**

Debtors.

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF LIEN OF FIRST COAST COMMUNITY BANK AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtors' Motion to Determine Secured Status of First Coast Community Bank and to Strip Lien (Doc No.12) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court Deems the Motion to be uncontested. If First Coast Community Bank has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtors' ability to request relief pursuant to U.S.C § 506(a).

Accordingly, it is hereby:

ORDERED:

1. The Motion is Granted.
2. The real property (the "Real Property") that is the subject of the Motion is located at 3671 Coronado Rd, Jacksonville FL 32217, and more particularly described as follows:

**LOT 7, BLOCK 7, REPLAT OF SAN JOSE, AS PER PLAT
THEREOF, RECORDED IN PLAT BOOK 25, PAGE 98, 98A,
98B AND 98C, OF THE PUBLIC RECORDS OF DUVAL
COUNTY, FLORIDA.**

3. If First Coast Community Bank has timely filed a proof of claim, the claim shall be treated as an unsecured claim in this case.

4. The lien on the Real Property held by First Coast Community Bank and recorded on February 4, 2008 at book 14370, page 85, Document No. 2008028275 of the Official Records of Duval County, Florida in the amount of \$101,559.29 shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor's Chapter 7 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of First Coast Community Bank's lien prior to the entry of the Debtors' discharge.

5. This Order does not prohibit First Coast Community Bank from asserting, at any time prior to the entry of the Debtors' discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

DONE and ORDERED in Jacksonville, Florida, this 26th day of November, 2014



Paul M. Glenn
UNITED STATES BANKRUPTCY JUDGE

Attorney Eugene H. Johnson, Esq. is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of this order.

FILED IN THE US BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 8123